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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,354	07/17/2003	Isamu Ohshita	107156-00193	8911

7590 12/28/2005

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EXAMINER

PERRY, ANTHONY T

ART UNIT PAPER NUMBER

2879

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,354

Applicant(s)

OHSHITA ET AL.

Examiner

Anthony T. Perry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Amendment filed on 10/04/2005, has been entered and acknowledged by the Examiner.

Cancellation of claim 9 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, and 12-13 rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 6,628,067).

Regarding claims 1-4 and 13, Kobayashi teaches an organic electroluminescent display device comprising a plurality of light emitting elements formed of light emitting films above a substrate each containing organic electroluminescent materials and being sandwiched between a pair of electrodes wherein each pixel contains light emitting elements of blue, red, and green, wherein the mixture of the colors produces a color having coordinates (0.31, 0.31) in the CIE xy chromaticity diagram, and the different color light emitting elements have different emissive areas (see for example col. 9, line 62 – col. 10, line 19). It is inherent that the colors have a gradation, i.e. although organic emitting elements have a peak in a specific range of wavelengths, said organic emitting elements has a broader spectrum which covers other wavelengths.

Accordingly, the colors of the light emissions have gradations due to the different wavelengths emitted.

Regarding claim 6, Kobayashi teaches doping (coupling with a foreign material) the light emitting layers.

Regarding claim 7, the functional language, "said chromaticity values of two colors are controlled by changing thickness of said light emitting film" has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 U.S.C. § 112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. *In re Fuller*, 1929 C.D. 172: 388 O.G. 279.

Claim 8 is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (see MPEP 2113). Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art that the OLED disclosed by Kobayashi et al. (US 6,628,067) is at least a fully functional equivalent to the Applicant's claimed OLED as evidenced by Kobayashi's suggestion of all of the Applicant's claimed structural limitations.

Claim 12 is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not

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afforded patentable weight (see MPEP 2113). Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art that the OLED disclosed by Kobayashi et al. (US 6,628,067) is at least a fully functional equivalent to the Applicant's claimed OLED as evidenced by Kobayashi's suggestion of all of the Applicant's claimed structural limitations. Furthermore, Kobayashi teaches the EL layer being formed by a printing method.

Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Burroughes (US 6,693,611).

Regarding claims 1 and 5, Burroughes teaches an organic electroluminescent display device comprising a plurality of light emitting elements formed of light emitting films above a substrate each containing organic electroluminescent materials and being sandwiched between a pair of electrodes wherein each pixel contains light emitting elements of blue and white (see for example col. 3, line 64 – col. 4, line 32). It is inherent that the colors have a gradation, i.e. although organic emitting elements have a peak in a specific range of wavelengths, said organic emitting elements has a broader spectrum which covers other wavelengths. Accordingly, the colors of the light emissions have gradations due to the different wavelengths emitted.

Claims 1 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (US 6,072,450).

Regarding claims 1 and 10-11, Yamada teaches an organic electroluminescent display device comprising a plurality of light emitting elements formed of light emitting films above a substrate each containing organic electroluminescent materials and being sandwiched between a pair of electrodes wherein each pixel contains light emitting elements of red and green and color conversion filters (see for example col. 13, lines 31-36). Yamada teaches the color conversion filters being luminescent color conversion filters (see for example col. 11, lines 47-65). Each

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light emitting element is formed corresponding to every color filter. It is inherent that the colors have a gradation, i.e. although organic emitting elements have a peak in a specific range of wavelengths, said organic emitting elements has a broader spectrum which covers other wavelengths. Accordingly, the colors of the light emissions have gradations due to the different wavelengths emitted.

Claims 1 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthies (US 6,498,592).

Regarding claims 1 and 14-15, Matthies teaches an organic electroluminescent display device comprising a plurality of light emitting elements formed of light emitting films above a substrate each containing organic electroluminescent materials and being sandwiched between a pair of electrodes wherein each pixel contains light emitting elements of red and green driven by different currents and voltages from each other. It is inherent that the colors have a gradation, i.e. although organic emitting elements have a peak in a specific range of wavelengths, said organic emitting elements has a broader spectrum which covers other wavelengths. Accordingly, the colors of the light emissions have gradations due to the different wavelengths emitted.

Response to Arguments

Applicant's arguments filed 10/04/05 have been fully considered but they are not persuasive.

Applicant argues that Kobayashi uses a common anode and common cathode and therefor does not teach a multi-color display. In response to applicant's argument that the reference fails to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., a multi-color display device having multiple anodes and cathodes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van*

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Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Kobayashi clearly teaches two light emitting elements formed of light emitting films that produce different colors. The two different colors are mixed to produce white light.

Applicant argues that Burroughes teaches merely one luminescent element which produces a blue-white light. The Examiner respectfully disagrees. Burroughes teaches two light emitting elements formed of light emitting films that produce different colors (ie., a light emitting element (44) that produces a blue-white color and a light emitting element (45) that produces a blue color). It is noted that the pixels include three other light emitting elements that produce three more different colors, however the claims do not limit the pixels to consisting of only two different colored light emitting elements.

Similar to Kobayashi and Burroughes, Matthies and Yamada teach pixels comprising at least two light emitting elements that produce two different colors of predetermined chromaticity values.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is (571) 272-2459. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-24597. **The fax phone number for this Group is (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOSEPH WILLIAMS
PRIMARY EXAMINER

Sor


Anthony Perry
Patent Examiner
Art Unit 2879
December 26, 2005

Mariceli Santiago
Primary Examiner
Art Unit 2879